

of utility consumers before the District of Columbia Public Service Commission and the District of Columbia Court of Appeals;

Whereas, in 1977, the Honorable Annice M. Wagner was appointed by President Carter and confirmed by the Senate to serve as an Associate Judge of the Superior Court for the District of Columbia;

Whereas, while serving as an Associate Judge of the Superior Court, the Honorable Annice M. Wagner served in the civil, criminal, family, probate, and tax divisions and served for 2 years as presiding judge of the probate and tax divisions;

Whereas, while serving as an Associate Judge of the Superior Court, Annice M. Wagner served on various commissions and committees to improve the District of Columbia judicial system, including serving as chairperson of the Committee on Selection and Tenure of Hearing Commissioners, and as a member of the Superior Court Rules Committee and the Sentencing Guidelines Commission;

Whereas, as an Associate Judge of the Superior Court, Annice M. Wagner served as chairperson of the Court's Advisory Committee on Probate and Fiduciary Rules and was largely responsible for the implementation of new rules intended to streamline and clarify procedures regarding missing, protected, and incapacitated individuals;

Whereas, as an Associate Judge of the Superior Court, the Honorable Annice M. Wagner served as chairperson of the Task Force on Gender Bias in the Courts, which conducted a comprehensive study of bias in the courts;

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts established the Standing Committee on Fairness and Access to the Courts to ensure racial, gender, and ethnic fairness;

Whereas Annice M. Wagner was appointed by President George H.W. Bush and confirmed by the Senate in 1990 to be an Associate Judge of the District of Columbia Court of Appeals;

Whereas Annice M. Wagner was appointed in 1994 to serve as Chief Judge of the District Court of Appeals;

Whereas, while Chief Judge of the District of Columbia Court of Appeals, Annice M. Wagner served as Chair of the Joint Committee on Judicial Administration in the District of Columbia;

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts initiated the renovation of the Old District of Columbia Courthouse (Old City Hall) in Judiciary Square, a National Historic Landmark, for future use by the District of Columbia Court of Appeals;

Whereas, under Annice M. Wagner's leadership, the District of Columbia courts initiated the master planning process for the renovation and use of unused or underutilized court properties, which will lead to the revitalization of the Judiciary Square area in the Nation's Capital;

Whereas, under Annice M. Wagner's leadership, the Court of Appeals, along with the District of Columbia Bar, the District of Columbia Bar Foundation, and the District of Columbia Consortium of Legal Service Providers, established the District of Columbia Access to Justice Commission, a commission that will propose ways to make lawyers and the legal system more available for poor individuals in the District of Columbia;

Whereas Annice M. Wagner served as President of the Conference of Chief Justices, an organization of Chief Justices and Chief Judges of the highest court of each of the 50 States, the District of Columbia, and the territories;

Whereas Annice M. Wagner served as Chairperson of the Board of Directors of the National Center for State Courts;

Whereas the Honorable Annice M. Wagner commands wide respect within the legal profession nationally, having been selected to serve as one of 11 members of the American Bar Association's Section on Dispute Resolution's Drafting Committee on the Uniform Mediation Act, which collaborated with the National Conference of Commissioners on Uniform State Laws in promulgating the Uniform Mediation Act, which, in 2001, was approved and recommended for enactment in all of the States, to foster prompt, economical, and amicable resolution of disputes through mediation processes which promote public confidence and uniformity across state lines;

Whereas, since 1979, Annice M. Wagner has been involved with the United Planning Organization, which was established in 1962 to conduct initiatives designed to provide human services in the District of Columbia and she has served as Interim President of the Organization's Board of Trustees;

Whereas, since 1986, Annice M. Wagner has participated as a member of a teaching team for the Trial Advocacy Workshop at Harvard Law School;

Whereas Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, was born in the District of Columbia and attended District of Columbia Public Schools and received her Bachelor's and law degrees from Wayne State University in Detroit, Michigan; and

Whereas Annice M. Wagner's dedication to public service and the citizens of the District of Columbia has contributed to the improvement of the judicial system, increased equal access to justice, and advanced public confidence in the court system: Now, therefore, be it

*Resolved*, That the Senate commends the Honorable Annice M. Wagner for her commitment and dedication to public service, the judicial system, equal access to justice, and the community.

#### PUBLIC SERVICE RECOGNITION WEEK

Mr. FRIST. I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged and the Senate proceed to S. Res. 108.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 108) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 2 through 8, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 108

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of men and women who meet the needs of the Nation through work at all levels of government;

Whereas over 18,000,000 individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) help the Nation recover from natural disasters and terrorist attacks;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fire;

(4) deliver the United States mail;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) defend and secure critical infrastructure;

(9) teach and work in our schools and libraries;

(10) improve and secure our transportation systems;

(11) keep the Nation's economy stable; and

(12) defend our freedom and advance United States interests around the world;

Whereas public servants at every level of government are hard-working men and women, committed to doing their jobs regardless of the circumstances;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 2 through 8, 2005, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees;

Whereas the theme for Public Service Recognition Week 2005 is Celebrating Government Workers Nationwide to highlight the important work civil servants perform throughout the Nation; and

Whereas Public Service Recognition Week is celebrating its 21st anniversary through

job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved, That the Senate—*

(1) commends public servants for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

#### APPOINTMENT OF SHIRLEY ANN JACKSON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

#### APPOINTMENT OF ROBERT P. KOGOD AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. FRIST. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.J. Res. 19 and H.J. Res. 20 and the Senate proceed to their immediate consideration en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the resolutions by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 19) providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution

A joint resolution (H.J. Res. 20) providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolutions en bloc.

Mr. FRIST. I ask unanimous consent that the joint resolutions be read a third time and passed, the motions to reconsider by laid upon the table en bloc, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 19) and (H.J. Res. 20) were read the third time and passed.

Mr. FRIST. Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with the first half of the time under the control of the Democratic leader or his designee and the last half under the control of the minority leader or his designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the question before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is currently in a period of morning business, with time equally divided between the majority and minority leader.

Mr. BYRD. Mr. President, how much time might I have under the order?

The ACTING PRESIDENT pro tempore. The minority controls 30 minutes, the first 30 minutes of the period of morning business.

Mr. BYRD. Mr. President, I ask that I may proceed to speak out of order for as long as I need to speak and that it not be over 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SOCIAL SECURITY

Mr. BYRD. Mr. President, from the book of Matthew, chapter 7, verses 25, 26, and 27 of the King James version of the Bible, I read as follows:

And the rain descended and the floods came and the winds blew and beat upon the house, and it fell not for it was founded upon a rock. And everyone that heareth these sayings of mine, and doeth them not, shall be likened unto a foolish man, which built his house upon the sand. And the rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell; and great was the fall of it.

Mr. President, 70 years ago the Social Security Program was founded upon a rock. It was designed to shelter workers in their old age and to withstand the storms that can wipe away their savings. For 70 years, the Social Security Program has stood as a protector of workers and families. It is their safeguard against economic peril.

Social Security provides the essential support for 405,000 West Virginians. In every county across the State, men and women, workers and retirees, their spouses and their children rely on their monthly Social Security check, and it comes as regularly as the mail man runs.

And so it is with great trepidation that they listen to apocalyptic tales about Social Security's future. It is difficult to understand, and perhaps incomprehensible to comprehend, how workers could spend their lifetime contributing to the Social Security Program only to find that the benefits promised to them may not be available

when they retire. Demographic projections show that the next generation of workers cannot support the retirement and disability benefits promised to this generation of workers. The Social Security trustees warned us that this demographic storm would erode the rock upon which the retirement security of workers has been built. Soon the rain will descend. Soon the floods will come. Soon the winds will blow. Our challenge is to keep that house from falling. And our challenge is great.

It is within this context that President Bush has proposed changing the scope of the Social Security Program, adding personal accounts to wean workers from the traditional program. He offers the opportunity for higher returns in the financial markets in exchange for workers relinquishing a portion of their benefits guaranteed under the current system. Be careful.

Needless to say, the outcry to such a proposal has been deafening. In the State of West Virginia, thousands and thousands of constituents are contacting my office—phone calls, e-mails, letters—in opposition to the President's Social Security plan. These people fear that personal accounts are a scheme to take away their Social Security benefits. They fear it is an effort to crack open Social Security and break it apart, piece by piece. I, too, fear such efforts. Feeding that fear is the secret that permeates the administration's plans.

The X factors are multifarious, impacting every worker and every employer who pays into the Social Security Program, every future retiree and every future disabled worker who expects one day to receive Social Security benefits.

My constituents are right to be leery of a scheme to privatize Social Security, particularly when efforts to learn more about Social Security's reforms are being stonewalled. We cannot get that information. If we knew the answers, if we knew for certain the retirement security of our constituents would be protected, that would be one thing, but this proposal for personal accounts seems a lot like the kind of telephone scams we hear about when folks are told they have won a prize and then are asked for their bank account number. Hold on here.

We are all enticed by the idea of ensuring the solvency of Social Security, but what are workers being asked to give up? No one in the administration, no one in the White House is willing to tell. Hear me when I say I will oppose this plan as well as any plan where the costs are undefined and the benefit cuts so uncertain.

Four months of high-publicity tours and photo-ops by President Bush and members of his Cabinet all across America, including stops in West Virginia, have yielded little new information about how the President's plan would affect workers' benefits. We do not know. We have not been told. We cannot get the answers. We ask for the